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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities
Eighteenth session

Summary record (partial)* of the 336th meeting**
Held at the Palais Wilson, Geneva, on Tuesday, 15 August 2017, at 3 p.m.

Chair: Ms. Degener

Contents

Consideration of reports submitted by parties to the Convention under article 35

Initial report of Panama

* No summary record was prepared for the rest of the meeting.
** No summary records were issued for the 334th and 335th meetings.

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by parties to the Convention under article 35

Initial report of Panama (CRPD/C/PAN/1; CRPD/C/PAN/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Panama took places at the Committee table.*

2. **Ms. Castro de Tejeira** (Panama), introducing her country's initial report (CRPD/C/PAN/1), said that, since ratifying the Convention in 2007, Panama had made steady progress in implementing it, though some challenges remained. It was developing an inclusive, human rights-based social model that took into account the needs of particular groups, including persons with disabilities, through programmes in areas such as housing, education and employment.

3. After constitutional reform undertaken in 2004 to harmonize national legislation with international law, the National Advisory Council on Disability, a forum representing all sectors, including civil society, had established the National Strategic Plan 2015-2019, whose aim was the social integration of persons with disabilities. The National Secretariat for Disabilities, an autonomous body with its own budget, oversaw and implemented public policy related to disability issues. Its governing council promoted and supported policies on social inclusion, with the participation of representatives of civil society. Its work was complemented by that of the Council, which was responsible for monitoring implementation of the Convention.

4. Aware that access to education represented the first step towards access to decent work, her Government was taking steps to implement inclusive education. Now that Panama had ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, a commission was being established to ensure its implementation. Education and training were being conducted to familiarize professionals in various fields with the concepts of universal design, inclusive education and access to justice for all. To date, around US$ 333,000 had been spent on training some 300 people.

5. The judiciary's policy on access to justice included provisions for meeting the needs of persons with disabilities. Progress was being made in providing universal access both to the premises of judicial institutions and to court proceedings.

6. The national health policy for the period 2014-2025 included a section on universal health coverage, which aimed to improve access by members of vulnerable groups to public health services. Implementation of an electronic system for collecting statistical data had by 2016 brought the number of persons with disabilities registered in the system to around 154,000.

7. In the framework of the national programme for comprehensive disaster risk management, awareness-raising activities were held to ensure that persons with disabilities received priority attention during emergencies. Since 2016, the National Federation of Persons with Disabilities had participated in that programme.

8. In its efforts to ensure that at least 2 per cent of employment contracts went to persons with disabilities, her Government was monitoring compliance with relevant workplace legislation. Collaboration with the private sector had resulted in the hiring of 3,000 persons with disabilities. Nevertheless, cultural barriers to such recruitments persisted and more awareness-raising efforts were needed. A tripartite commission established in 2014 had studied the requirements of the labour market with a view to upgrading the curriculum for professional technical training to match those requirements.

9. The first national disability survey, conducted in 2006, had found that 11.3 per cent of the country's population had some form of disability. The next such survey would use as a basis the World Health Organization Model Disability Survey.

10. Her Government made available to persons with disabilities software that enabled them to work autonomously in various educational, work and social settings. To bridge the country's digital, economic and social divides, 28 public computer centres, or "infoplazas",

provided inclusive access to information and communication technologies. In that connection, a Citizen Inspector smartphone application for reporting the misuse of parking spaces by persons without disabilities had been introduced. Between 2010 and mid-2017, nearly 17,000 fines had been collected as a result of such reporting. The funds went to organizations working on behalf of persons with disabilities.

11. Her Government had made considerable efforts to raise awareness among the general public of the rights of persons with disabilities and their families. Progress was being made in changing how people behaved towards persons with disabilities and how they referred to them. A national press competition was held annually to raise awareness of disability-related issues among journalists and social activists.

12. There were plans to strengthen synergies with civil society in order to further enhance implementation of the Convention. She wished to acknowledge the contribution of civil society organizations, including those represented at the meeting, to the process of implementing the Convention. Her Government was committed to protecting human rights and promoting their universality to achieve a fairer and more inclusive society.

13. **Mr. Parra Dussan** (Country Rapporteur) said that Panama had made noteworthy progress in enacting legislation to protect the rights of persons with disabilities. It had been among the first countries to ratify the Convention and its Optional Protocol, and had in 2016 enacted Act No. 15, which provided for equal opportunities for persons with disabilities. As had been mentioned, it had also ratified the Marrakesh Treaty. Nevertheless, further efforts were required in a number of areas — for example, medical legislation, inclusive education, the mainstreaming of disability into the implementation of the Sustainable Development Goals, the granting of legal capacity to persons with disabilities, and the development of a legal mechanism for assisted decision-making. Lastly, the participation of persons with disabilities in the labour market needed to be raised to 2 per cent to comply with prevailing legal requirements and the overall financial and economic well-being of such persons needed to be improved. Despite those challenges, Panama was demonstrating a firm commitment to promoting the rights of persons with disabilities.

Articles 1-10

14. **Mr. Alsaif**, commenting on the inclusion in the report of the views of some organizations representing persons with disabilities, said that in his opinion such views should be disseminated in some other way rather than being buried in the report. He would be grateful for information about measures being taken to protect children with disabilities from ill-treatment.

15. **Mr. Ruskus** said that, according to information provided to the Committee, the certification of disabilities by the National Secretariat for Disabilities was slow and costly and he wished to know what steps were being taken to remedy that. He also wished to know to what extent the Equal Opportunities for Women Policy and the National Plan against Domestic Violence made provision for women and girls with disabilities, what research had been conducted into discrimination faced by such women and girls, what measures were in place to promote their inclusion and how they were protected from discrimination, as well as rape and other forms of violence. He also wondered how the State party fostered their participation in political life.

16. Paragraph 380 of the report stated that children's homes in Panama housed a total of 166 children with disabilities, but he understood that in fact the number of such children in State institutions was much higher. The Committee would like information about measures to provide such children with community- and family-based support to ensure that they could lead safe and inclusive lives.

17. **Mr. Tatić** said that he wished to know whether the State party intended to allocate additional financial and human resources for the comprehensive and efficient implementation of the National Strategic Plan 2015-2019. He asked what percentage of the total national budget was represented by the current insufficient funding referred to in paragraph 3 of the replies to the list of issues.

18. He would be grateful if the delegation could provide current statistics regarding complaints of discrimination on the basis of disability and regarding the outcomes of such complaints.

19. He asked why, according to paragraph 358 of the report, women and children with disabilities represented a mere 0.02 per cent of those who received counselling and shelter through programmes run by the National Institute for Women.

20. He would be grateful for information about sanctions imposed for failure to ensure accessibility. It had been gratifying to hear in the opening statement that fines had been collected in some 17,000 cases for parking in spaces reserved for people with disabilities and he wished to know whether the same principle applied in other cases, for example, for failure to apply accessibility standards in buildings. Lastly, he wondered how easy it would be for a wheelchair user to travel to Panama. How accessible were the airport, the public transport system, hotels, government buildings and the like?

21. **Mr. Kabue** said that he would like more information on the selection criteria for persons with disabilities working within the National Secretariat for Disabilities. He asked whether any steps had been taken to address the lack of financial and human resources available to the Secretariat in order to facilitate its implementation of the National Strategic Plan 2015-2019. If the Secretariat lacked the capacity to implement the Plan, he wondered how it would be capable of implementing the road map for the protection and care of persons with disabilities within the framework of comprehensive risk, emergency and disaster management. He would also appreciate clarification on the status of the guidelines that were being developed to improve the participation of relevant non-governmental organizations (NGOs) in policy development and implementation.

22. **Mr. Ishikawa** said that he would like to know whether there were plans to introduce the current pilot projects on accessibility at the national level.

23. **Mr. Kim** Hyung Shik said that there was little evidence that the State party had cooperated with organizations of persons with disabilities in the preparation of the State party report and he would appreciate an explanation as to why. He would like to know what measures were being taken to assist indigenous women and children with disabilities and to what extent civil society organizations had been consulted in the preparation of the State party report.

24. **Mr. Rukhledev** said that he would welcome information as to whether the National Association of the Deaf in Panama was among the NGOs represented on the Board of Directors of the National Secretariat for Disabilities and the National Advisory Council on Disability. He asked how article 8 of the Convention was being implemented in Panama, in the absence of sign language interpreters, and whether the State party intended to officially recognize sign language and provide training in sign language interpretation.

25. **Mr. Chaker** said that he would appreciate information on the steps taken to ensure that children with disabilities had access to community-based programmes and services. He asked for data on the human and financial resources allocated for that purpose.

26. **Mr. Martin** said that he would like to know how many persons with disabilities were involved in planning and mounting awareness-raising campaigns on the rights of such persons, and whether persons of all types of disability, including intellectual and psychosocial disabilities, had participated in such efforts.

27. **Mr. Buntan** said that he was concerned by the use of the term "prevention" in the State party report in relation to disability, as it did not correspond to the mandate of the Convention and did not promote a positive image of disability. He asked whether the State party was taking steps to enforce a law that would guarantee accessibility for persons with disabilities and whether the Government took into consideration internationally recognized accessibility standards when introducing national standards, particularly with regard to information and communication technologies.

28. **The Chair** said that she, too, was concerned by the references in the State party report to the prevention of disability, in paragraph 109, for example. She wished to remind the delegation that the Convention did not aim to prevent disability but to guarantee the

rights of persons living with disabilities. She would appreciate a comment on how the State party could justify such stigmatization of persons with disabilities in view of its obligations under the Convention. Following consultations with civil society organizations, she had been informed that the medical model of disability prevailed in Panama. She also noted with regret that the telethons staged in Panama promoted a charity-based model of disability.

29. **Mr. Parra Dussan** said that he would welcome a comment on whether the National Disability Council was an effective and fully operational institution for addressing disability-related issues. He would also appreciate data on sanctions that had been imposed as a result of discrimination against persons with disabilities. He asked whether Act No.15 of 2016 had managed to harmonize domestic legislation with the Convention, whether a clear policy had been adopted on public fundraising for persons with disabilities and whether the State party might consider focusing on ensuring the rights of persons with disabilities rather than promoting a charity-based model of disability.

The meeting was suspended at 4 p.m. and resumed at 4.25 p.m.

30. **Ms. Díaz** (Panama) said that the National Secretariat for Disabilities was the overarching body responsible for implementing public policy on disability. The Government sought to mainstream disability issues within each of its ministries, given their cross-cutting nature. The National Disability Council comprised a number of different commissions that met periodically. The commissions had managed to meet only once during the current reporting period, but efforts would be made to hold meetings more regularly. The commissions submitted periodic reports to the National Secretariat for Disabilities. The National Strategic Plan 2015-2019 had been drawn up in consultation with civil society organizations.

31. **Ms. Velasco** (Panama) said that Act No. 42 of 2009 guaranteed the accessibility of the physical environment for persons with disabilities and their families. The amendment to that Act, namely Act No. 15 of 2016, provided for harsher sanctions in the event of a violation of the right to accessibility and included new measures to implement architectural and urban accessibility requirements. The Technical Advisory Committee on Universal Accessibility had recently been established and had held 42 meetings thus far.

32. **Ms. Medina** (Panama) said that the Government was supervising the work of construction companies in order to ensure accessibility of the physical environment for persons with disabilities. Training sessions and over 40 outreach days had been held in universities across the country in an effort to raise awareness of disability-related issues. Accessibility inspections of housing, health-care facilities and public transport had also been carried out. A hotline was available for members of the public to register complaints in the event of poor accessibility of public services. If a complaint was substantiated, the municipal authorities imposed the relevant sanctions.

33. **Mr. Miranda** (Panama) said that there was no State budget specifically allocated to persons with disabilities, although it was possible to estimate figures by examining public expenditure on social services, such as health care and community development. There were a number of entities that invested in projects aiming to promote social inclusion, access to health care and eradication of poverty for persons with disabilities. Between 2014 and 2017, the National Secretariat for Disabilities had been allocated a budget of US$ 22 million to promote equal opportunities for persons with disabilities. Significant resources had also been provided for special education, the hiring of specially trained teachers, grants for students with disabilities, mental health services, indigenous people with disabilities and measures to improve the employability of persons with disabilities. Millions of dollars had been invested in projects such as the "Guardian Angel" programme. Approximately 3 per cent of the total expenditure on such projects had been allocated to indigenous areas. State investment in disability-related issues had increased progressively over recent years.

34. **Ms. Espinosa** (Panama) said that a plan had been introduced whereby persons with disabilities were alerted to the threat of a natural disaster through the use of differently coloured flags. A yellow flag was used in the event of an earthquake, a blue flag in the event of a flood and a red flag in the event of a fire. A road map developed with the participation of a number of civil society organizations and State bodies had been

introduced between 2014 and 2016 for the protection of persons with disabilities within the framework of disaster management. Since 2016, sign language interpretation had been made available within the National Civil Defence System in order to ensure that persons with disabilities were informed of potential risks and disasters.

35. A number of educational projects had been initiated in order to build the capacities of young persons with disabilities within the context of disaster risk reduction. For example, in 2015-2016 an inclusive education project had assisted approximately 5,000 students. A project had also been launched in 2017 to promote safe and inclusive educational environments and to address the issue of climate variability. Efforts had been made to build the capacities of emergency services across eight regions of the country, including indigenous areas, and a number of school supervisors had been trained in disaster risk management. Between 2014 and 2016, workshops on disaster risk management had been held across the country which had been attended by 3,000 students. A manual on disaster risk management was available, in addition to online courses, which offered recommendations to young persons with disabilities, caregivers and teachers in cases of emergency.

36. A website that provided legal and political information and videos on disaster risk reduction had been created. In 2016, a municipal guide on disaster risk reduction had been prepared by the Japan International Cooperation Agency. Since 2012, 12,000 people had received training in disaster risk reduction. Capacity-building days were currently being organized with a view to enhancing the resilience of young persons with disabilities in such situations. A disaster risk prevention and management programme was also in place.

37. **Ms. Medina** (Panama) said that the authorities had streamlined the process of disability certification. As a result, a process that had initially taken up to 18 months could currently be completed in two. Disability certification was available nationwide, not only in the major urban areas. A number of inter-institutional cooperation agreements had been put in place with a view to preparing future board members for service on the boards that made disability determinations and thus to respond more expeditiously and effectively to the persons who chose to request certification of their disabilities.

38. **Ms. Díaz** (Panama) said that the amendments to Act No. 42 of 1999, which had brought the Act into line with the Convention, had been adopted on the initiative of Panamanian civil society. The drafting of the amended Act's implementing regulations, which were currently being adopted, had also been led by civil society.

39. Panama did not follow the medical model of disability. The certification of disability, which was a holistic process, took into consideration a person's ability to participate in the life of his or her community. The degree of a person's disability depended in part on his or her surroundings.

40. Panamanian women with disabilities were doubly vulnerable, and even more so when they lived in rural or indigenous areas. The National Secretariat for Disabilities had therefore mapped the areas of the country that its programmes had not reached and drawn up a workplan in which priority had been given to projects in indigenous areas and in the areas of greatest vulnerability and to projects focusing on women.

41. In connection with disaster risk reduction, she said that the Secretariat had ensured that Panamanian Sign Language interpreters were present to interpret all relevant speeches by the President of the country and the director of the National Civil Defence System. The Secretariat had also financed the production of a handbook on accessibility by the students in a postgraduate programme on universal design.

42. Numerous meetings had been held to discuss how to facilitate the free movement of persons with disabilities, but there was still much to be done. Only with great difficult could persons with disabilities in Panama travel the country's busiest routes. When the Secretariat received complaints of anomalous barriers, it immediately alerted officials from the Land Transit and Transport Authority. Although the situation was difficult, a dynamic civil society, well-defined policies and a widely supported strategic plan would enable considerable improvement.

Articles 11-20

43. **Mr. Martin** asked what steps Panama had taken to make sure that people with disabilities could be witnesses in court, were respected and could make important decisions, including legal decisions, on their own. Turning to article 19, he wondered what the country was doing to make sure that people with disabilities could live independently and were included in the community. It was important for them to be able to get out and about. It was also important for them to be seen.

44. **Mr. Buntan** said that he wished to know what the State party had done to reflect the principles of the Sendai Framework for Disaster Risk Reduction, according to which persons with disabilities were not simply vulnerable persons in need of help but also possible contributors to the management of disaster risk. He wondered whether the Panamanian Government had developed a policy to promote access to justice for persons with disabilities by empowering such persons to work as judges, prosecutors and lawyers or as members of other legal professions. Lastly, he wished to know what policy the Government had on subjecting persons with disabilities to forced sterilization or abortion.

45. **Mr. Ruskus** said that he wished to know whether the State party intended to repeal discriminatory provisions regarding guardianship regimes for persons with disabilities, while restoring their full legal capacity and developing mechanisms for supported decision-making. He would welcome information on the steps taken by the State party to ensure the safety and liberty of persons with psychosocial disabilities. It would be particularly interesting to know whether there were any provisions prohibiting the involuntary commitment or detention of persons with disabilities on the basis of their disability. An indication of the measures taken by the Government to prevent the abuse of persons with disabilities and to enable them to live independently in the community would also be welcome. In the latter connection, he asked to what extent community-based services such as health care and education were accessible to persons with disabilities and what measures had been taken to enable and encourage such persons to play active and varied roles in their communities.

46. **Mr. Tatić**, noting that the Committee would shortly be adopting a general comment on the right to independent living, said that he would welcome as much information as the delegation could provide on the options available to persons with disabilities who needed assistance around the clock. It would be interesting to know, for instance, whether there were professional services for such persons, whether they relied on their families or whether they were put in institutions. In addition, he wondered what plans had been made to provide persons who needed assistance around the clock with the resources that would enable them to live independently in their local communities. Lastly, he asked how the authorities ensured that information about social welfare services was accessible to all persons with disabilities.

47. **Mr. Chaker** said that he wished to know how many sign language interpreters worked in the justice system at the national level.

48. **Mr. Alsaif** said that he would welcome an indication of the names and numbers of cases or judicial rulings regarding either the torture or the abuse of persons with disabilities.

49. **Mr. Ishikawa** asked whether the Panamanian authorities had taken measures to minimize any regional disparities in the provision of services to persons with disabilities that could arise as a result of the country's efforts to decentralize disability policy and whether any measures were being taken to help local governments provide support for independent living, for instance.

50. **Mr. Rukhledev** said that he wished to know what steps were taken to ensure that the sign language interpreters providing support to deaf persons in court proceedings were properly qualified. He wondered in particular whether NGOs or associations of deaf persons were involved in efforts to certify sign language interpreters.

51. **Mr. Kim** Hyung Shik asked whether the State party had data on persons with disabilities living in institutions that could be broken down by gender, age and type of disability. In view of information provided in the State party's report, he wondered whether the State party's understanding of the concept of living independently was fully developed.

In that connection, he asked whether the State party had any plans to respond to reports that, because the physical environment and information were insufficiently accessible, independent living in Panama was not yet possible. He wondered whether the State party had any plans to develop a deinstitutionalization policy that could actually be carried out.

52. **Mr. Kabue** said that he wished to know whether legal aid was made available to persons with disabilities whose rights had been violated. Regarding protection from violence and abuse, he asked what safeguards had been put in place to ensure that safe havens or shelters for children with disabilities did not become institutions by another name.

53. **The Chair** asked what the State party had done to train judges and other legal personnel on the human rights model of disability. The answer to that question would shed welcome light on the steps that the State party had taken to move away from a view of disability as an issue to be addressed exclusively through medical intervention, including preventive efforts, and charity. She would welcome an indication of the findings of the study on equal access to justice mentioned in paragraph 178 of the State party's report. It would be interesting to know what steps, if any, had been taken in response to the study and whether organizations of and for persons with disabilities had taken any part in it.

54. She asked what plans the State party had made to ensure that women with disabilities could enjoy their rights under articles 14, 16 and 17 of the Convention. In that connection, the figures provided by the State party suggested that the shelters and counselling services provided by the National Institute for Women were inaccessible to women and children with disabilities. She wondered whether the laws prohibiting forced psychiatric treatment, forced institutionalization, solitary confinement and the use of physical restraints in institutions, forced drug and/or electroshock treatment, forced abortion and forced sterilization were enforced and, if not, what steps were taken to ensure that they were. Lastly, she would welcome more information on how the Fami-Empresa Project had helped empower women with disabilities.

55. **Mr. Parra Dussan** asked whether the State party intended to introduce a bill on supported decision-making, as a number of other countries had done, in order to bring Panamanian law fully into line with article 12 of the Convention. He understood that involuntary commitment had been prohibited, but he wondered whether persons with disabilities were not still sometimes committed to institutions against their will and what happened when it was necessary to keep persons who lacked legal capacity from being a danger to others.

56. It would be interesting to know whether plans had been made to pay family caregivers and whether the State party had any studies or statistical information on discrimination against persons with disabilities. He would especially welcome an indication of any punishments that had been imposed for discrimination. Lastly, he asked why the telethon, which conveyed an image of persons with disabilities as persons in need of charity, was still given prominence.

The discussion covered in the summary record ended at 5.20 p.m.